

FEB 22 2010

## KLARQUIST SPARKMAN, LLP

INTELLECTUAL PROPERTY LEGAL SERVICES • INCLUDING PATENTS, TRADEMARKS, COPYRIGHTS & LITIGATION • SINCE 1941  
One World Trade Center • 121 SW Salmon Street • Suite 1600 • Portland, Oregon 97204 • U.S.A.  
Telephone: 503-595-5300 • Facsimile: 503-595-5301 • www.klarquist.com

## FAX TRANSMITTAL

**DATE:** February 22, 2010

**TO:** USPTO Central Fax

**FAX PHONE NO:** 571-273-8300

**FROM:** Stephen J. Joncus

**RE:** METHOD AND APPARATUS FOR EMBEDDING  
ADVERTISEMENTS IN AUDIO FILES FOR INTERNET AND  
NETWORK DISTRIBUTION

**OUR FILE:** 8247-82809-01

**YOUR FILE:** Appeal No. 2009-010968; Application No. 09/765,985

**NO. OF PAGES:** 2 (including this cover page)

**PLEASE ACKNOWLEDGE RECEIPT BY RETURN FACSIMILE?** ☒ Yes ☐ No

**CONFIRMATION TO FOLLOW?** ☐ Yes ☒ No

**CONTACT INFO:** If you do not receive all pages or if you have problems receiving transmittal, please call us at (503) 595-5300 as soon as possible and ask for Molly Boyd.

- MESSAGE:**
1. We timely faxed the Notice of Confirmation of Hearing on February 4, 2010.
  2. On that notice we identified the following would attend:  
Stephen Joncus, Rob Underhill, and Michael Sharp.
  3. On February 17, 2010, we faxed a revised Notice of Confirmation of Hearing, indicating that a fourth person (William Dunavant) would be attending the hearing as well. Unfortunately, that was incorrect.
  4. Please correct the name of the fourth person who will be attending to: William Hagerman as noted on the 2<sup>nd</sup> revised Notice of Confirmation of Hearing that is attached.
  5. Attached is a 2<sup>nd</sup> revised Notice of Confirmation that correctly adds Mr. Hagerman to the listing of visitors expected to accompany counsel.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS CONFIDENTIAL AND ONLY FOR THE INTENDED RECIPIENT IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR USE OF THIS COMMUNICATION IS UNLAWFUL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT), RETURN THE ORIGINAL MESSAGE TO US, AND RETAIN NO COPY.